IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23177 of 2004

Between:

1 V. Vishalakshmi W/o V. Venkataramana
R/o D. No. 22-80, Opp RTC Bus Stand, Dharamavaram, Anantapur

District
2 K. Nagamani W/o Sri K Prabhakar
R/o D. No. 22-88, Opp RTC Bus Stand, Dharamavaram, Anantapur

District
3 S. Phani Raju S/o Sri S. Gopal
R/o D. No. 22-82, Opp RTC Bus Stand, Dharamavaram, Anantapur

District
4 K. Narayana Reddy S/o Sri Late K Obaiah
R/o D. No. 22-83, Opp RTC Bus Stand, Dharamavaram, Anantapur

District
5 S. Govindu S/o Sri Narayanappa
R/o D. No. 22-79, Opp RTC Bus Stand, Dharamavaram, Anantapur

District
6 Smt. K Nagaratnamma W/o sri K. Narayana Reddy
R/o D. No. 22-84, Opp RTC Bus Stand, Dharamavaram, Anantapur

District

..... PETITIONERS

AND

1 The Mandal Revenue officer, Dharamavaram Mandal Dharamavaram, Ananthapur district
2 The Revenue Divisional officer, Dharamavaram Mandal Dharamavaram, Ananthapur district
3 the District Collector Anantapur District Anantapur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ order or Direction, more particularly one in the nature of Writ of Mandamus declaring the notice issued by the 1st respondent No. R.C. 297/B/04 dt -10-04 against the petitioners allegedly as per the orders dt 18-11-2003 of this Hon'ble Court in WP 24220/03 as arbitrary, illegal unjust and unconstitutional and consequently set-aside the same.

Counsel for the Petitioner: MR.INENIVENKATA PRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Petitioners were issued notices by the Mandal Revenue Officer, Dharmavaram, the first respondent, directing them to show cause as to why they shall not be evicted from various extents of the land in survey No.529 of Dharmavaram. It is alleged that the land under the occupation of the petitioners is the road margin of Dharmavaram to Bangalore road. Reference is also made to an order of this Court in W.P.No.24220 of 2003, dated 18.11.2003.

Learned counsel for the petitioners submits that the petitioners have purchased the land from the original owners and that it is not at all the road margin or the Government land. He submits that the petitioners are not parties to the writ petition referred to above and as such the very initiation of proceedings against them is contrary to law.

Learned Government Pleader for Revenue, on the other hand, submits that the writ petition is not maintainable against a show cause notice and the petitioners can certainly put forward all their contentions in their explanation.

The petitioners challenge the individual show cause notice issued to them. It is true that a reference is made to the order of this Court in W.P.No.24220 of 2003. However, a perusal of the said order discloses that except directing the respondents therein to take necessary action in accordance with law, no adjudication of rights was undertaken.

If the petitioners have derived title from any private owner, they can certainly place the necessary material before the respondents. They can be said to have suffered any detriment, if only an order adverse to their interests is passed. This Court is not inclined to interfere with the show cause notice. The rights of the petitioners can be protected by giving them the breathing time, in the event

of any order adverse to them being passed.

Hence, the writ petition is disposed of directing that it shall be open to the petitioners to submit explanation in response to the show cause notice and the respondents, in turn, shall consider the same on merits and objectively before passing any orders. It is further directed that in case any orders directing eviction of the petitioners are passed, no further steps will be taken for a period of one week from the date of service, so as to enable the petitioners to avail the further remedy. No order as to costs.

14.12.2004

ksld

To

1 The Mandal Revenue officer, Dharamavaram Mandal Dharamavaram, Ananthapur district
2 The Revenue Divisional officer, Dharamavaram Mandal Dharamavaram, Ananthapur district
3 The District Collector Anantapur District Anantapur

4 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.